

November 15, 2022

VIA ECF

The Honorable Mary Kay Vyskocil
United States District Court for the Southern District of New York
500 Pearl Street, Courtroom 18C
New York, NY 10007-1312

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 11/16/2022

Re: *Advance Trust & Life Escrow Services, LTA, and James Kenney v. PHL Variable Insurance Company*, Case No. 18-cv-3444-MKV

Dear Judge Vyskocil:

The parties are pleased to jointly inform the Court that, with the assistance of an experienced mediator (Eric Green of Resolutions LLC), the parties have agreed to a class action settlement of this matter, subject to the negotiation of mutually acceptable settlement documents.

The parties propose the following schedule:

- January 13, 2023: deadline for the parties to complete documentation of a long-form settlement agreement.
- January 31, 2023: deadline for plaintiffs to file a motion for preliminary approval of the settlement.

Due to the proposed settlement, and pursuant to Your Honor's Individual Rules of Practice §§ 2(G) and 4(B), the parties respectfully request that the Court vacate the upcoming status conference on Nov. 17, 2022, and any remaining case deadlines. Even though this request is less than 72 hours before the status conference, there is good cause for this request because the agreement referenced above was reached this afternoon. Should the Court prefer, the parties are also available to attend the conference to discuss the proposed settlement and the proposed schedule for preliminary approval.

This is the Parties' first request for an adjournment, and the parties had eight previous requests for an extension. The first request (Dkt. 134) was granted on October 10, 2019 (Dkt. 135); the second request (Dkt. 140) was granted on December 4, 2019 (Dkt. 142); the third request (Dkt. 177) was granted on November 23, 2020 (Dkt. 178); the fourth request (Dkt. 189) was granted on November 8, 2021 (Dkt. 190); the fifth request (Dkt. 191) was granted on January 10, 2022 (Dkt. 192); the sixth request (Dkt. 193) was granted on February 15, 2022 (Dkt. 194); the seventh request (Dkt. 195) was granted on June 30, 2022 (Dkt. 198); and the eighth request (Dkt. 215) was denied as moot on November 10, 2022 (Dkt. 228).

Sincerely,

/s/ Seth Ard
Seth Ard
SUSMAN GODFREY LLP
1301 Avenue of the Americas, Fl. 32
New York, NY 10031
Tel: 212-471-8354
Fax: 212-336-8340
sard@susmangodfrey.com

Interim Class Counsel

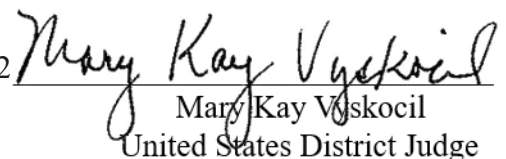
cc: Counsel for all parties via ECF

/s/ Thomas F.A. Herrington
Thomas F.A. Herrington
MCDOWELL HETHERINGTON LLP
1001 Fannin St., Suite 2700
Houston, Texas 77002
Tel: 713-337-5580
Fax: 713-337-8850
tom.hetherington@mhllp.com

*Attorney for Defendant PHL
Variable Insurance Company*

Granted. SO ORDERED.

Date November 16, 2022
New York, New York


Mary Kay Vyskocil
United States District Judge